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Hawaii News

OHA trustee Apo explains and apologizes for ethics violations

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Peter Apo was caught using his state office, staff and resources for personal business.

Office of Hawaiian Affairs trustee Peter Apo said he never intended to violate the ethics code, but he takes full responsibility for the “errors” he committed in using his state office, staff and resources for his own business purposes.

Apo, who has represented Oahu since 2010 and also served on the original board of trustees in 1980, voluntarily paid the state Ethics Commission a fine of \$25,000.

"I apologize to OHA beneficiaries and employees, and to my fellow OHA trustees, as well as to the Ethics Commission," Apo said in a statement.

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The commission Wednesday found that Apo likely violated the Fair Treatment Law and the Conflicts of Interests Law between Jan. 1, 2014, and June 1, 2016 — although it noted that if the investigation were extended to before 2014, there likely would be evidence of additional violations.

Among other things, Apo was found to have used his state email and office staff members to help The Peter Apo Co. conduct business.

Another violation was linked to the controversial Thirty Meter Telescope. Only weeks after he helped to persuade the board not to formally oppose the TMT and had recommended cultural training for the TMT's developer in 2015, he approached the telescope company with a proposal for his own firm to conduct the training, the commission found.

Apo said that while he owns up to the transgressions identified by the Ethics Commission, the panel decided not to pursue other conflict-of-interest charges found in the original complaints brought against him by former OHA trustee Mililani Trask and Keli'i Makekau more than a year ago.

"I have never before been the subject of complaints or an investigation by the Ethics Commission during my 40-plus years of public service," he said, adding that he fully cooperated with the commission throughout its investigation.

Apo, a musician who served in the state House of Representatives from 1982 to 1994, said he inadvertently used his personal email account improperly.

"I had my OHA email forwarded to my personal business email account so that I could answer it anywhere and at any time. The Ethics Commission has never ruled on the

use of private email, nor is this the subject of ethics training or guidelines.

“Also, I learned that when I asked a member of my OHA staff to assist with work for my private company and paid her for those services through my company, I violated the ethics code. I also learned that when I asked a member of my OHA staff to do research for articles about OHA issues for the OHA newspaper, it was fine. However, when Civil Beat published the same article, the commission believed I used state resources for my private business.”

Apo said his solicitation for business from the Thirty Meter Telescope organization happened only once.

And while he did consulting work for DTL, a company with an OHA contract to develop a master plan for Kakaako Makai, the commission did not find that he obtained business for the firm, Apo said. The commission noted that he merely made comments about Kakaako Makai in meetings where no votes were taken, he said.

“I have never worked on any OHA project or contract in my professional capacity,” Apo said on his Facebook page Thursday.

“When I learned through the course of the investigation that these actions on my part were violations of the ethics code, despite being inadvertent, I chose not to contest them. I voluntarily and personally paid an administrative penalty of \$25,000,” he said in his statement.

Apo added that Trask has been attacking him for years, presumably because he opposed her request to give the Huena Geothermal Project more OHA funding. He said the project failed to secure a key contract.

“Now that her most serious charges of conflict of interest have been determined to be unfounded and her baseless lawsuit has been dismissed, I will be able to focus all of my attention on the work of OHA to better the quality of life for Hawaiians,” he said.

Trask filed suit against Apo in March, demanding that he pay back \$50,000 to OHA in a settlement of sexual harassment claims against the trustee. But the complaint was dismissed by Circuit Judge Dean Ochiai last month for lack of standing.

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